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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re A.F., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.F.,

Defendant and Appellant.

E072416

(Super.Ct.No. J272289)

OPINION

APPEAL from the Superior Court of San Bernardino County. Pamela P. King,
Judge. Affirmed.

Aaron J. Schechter, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

Defendant and appellant A.F. (minor) has a history of defiant and criminal behavior, resulting in her placement in a group home. Based on the length of time minor had been waiting to be placed, minor's counsel requested minor's release from juvenile hall. The juvenile court found the delay reasonable, denied minor's request for release, and continued to detain minor in juvenile hall pending a suitable placement in a group home. Minor subsequently appealed from the juvenile court's order denying her release. Following minor's appeal, minor was accepted into a group home and ordered transferred to that group home immediately. Based on our independent review of the record, we find no error and affirm the judgment.

II

FACTUAL AND PROCEDURAL BACKGROUND¹

A. *General Background*

Minor's mother passed away when minor was nine years old from a drug overdose and her father left soon afterwards. Minor was placed in the custody of her great aunt but was removed from her care in 2014 after her great aunt physically abused her. While living with her great aunt, minor repeatedly ran away and attempted suicide numerous

¹ The factual background is taken from the police and the probation officer's reports.

times. Since then, minor has been in the care of the San Bernardino County Department of Children and Family Services (CFS).

B. Background Relating to the August 2017 Disposition

On August 4, 2017, then 14-year-old minor was residing in a treatment home with other youths in Stockton, California when she kicked a 10-year-old child in the back. Later that day, minor pushed the child into the deep end of a pool and dunked the child's head numerous times under the water. The child reported being "in fear" and "almost had an asthma attack."

On August 8, 2017, the San Joaquin County District Attorney filed a juvenile wardship petition pursuant to Welfare and Institutions Code section 602 charging minor with assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4); count 1) and battery (Pen. Code, § 242; count 2).

On August 11, 2017, minor admitted committing battery as alleged in count 2. The San Joaquin County Juvenile Court sustained the allegation in count 2 and dismissed count 1. The case was thereafter ordered transferred to the San Bernardino County Juvenile Court for disposition.

On August 17, 2017, the San Bernardino County Juvenile Court found minor to be a resident of San Bernardino County and accepted all proceedings from the San Joaquin County Juvenile Court.

At the dispositional hearing on August 30, 2017, the San Bernardino County Juvenile Court declared minor to be a ward of the court pursuant to Welfare and

Institutions Code section 602 and ordered minor to serve 27 days in juvenile hall with credit of 27 days for time served. The court placed minor on probation on various terms and conditions and released minor to the custody of CFS.

C. *Background Regarding the February 2018 Disposition*

On June 4, 2017, a staff member at a juvenile group home in Perris, California directed the youths to go to their bedrooms because it was bedtime and proceeded to turn off the Wi-Fi. Minor walked into the staff office and turned the Wi-Fi back on. She then began to argue with the staff member and grabbed the staff member's hands, breaking one of her fake fingernails.

On August 22, 2017, the Riverside County District Attorney filed a new petition pursuant to Welfare and Institutions Code section 602 charging minor with misdemeanor battery (Pen. Code, § 242; count 1).

On January 30, 2018, the new petition was orally amended by interlineation to add a second charge of misdemeanor assault (Pen. Code, § 240; count 2). Minor thereafter admitted the misdemeanor assault charge. The Riverside County Juvenile Court sustained the allegation in count 2 and dismissed count 1. The case was thereafter ordered transferred to the San Bernardino County Juvenile Court for disposition.

On February 8, 2018, the San Bernardino County Juvenile Court found minor to be a resident of San Bernardino County and accepted the transfer from the Riverside County Juvenile Court.

At the disposition hearing on February 28, 2018, the San Bernardino County Juvenile Court continued minor as a ward of the court pursuant to Welfare and Institutions Code section 602. The court thereafter placed minor on probation on various terms and conditions and released minor to the custody of CFS.

D. *Background Relating to Probation Violations and Special Hearings*

On June 8, 2018, while residing in a juvenile group home in Victorville, California, minor had an altercation with another youth. Minor then left the group home and did not return to the group home by the 9:00 p.m. curfew. Minor's whereabouts were unknown until she was arrested on July 10, 2018. Minor was suspected to be a victim of human trafficking.

On June 15, 2018, the San Bernardino County District Attorney filed a juvenile probation violation petition alleging minor violated the terms of her probation by leaving her group home without permission and failing to return by curfew.

On July 25, 2018, minor admitted violating the terms of her probation. The San Bernardino County Juvenile Court continued minor as a ward of the court. The court also continued minor on probation on various terms and conditions, and placed minor in the custody of the probation department. Minor was maintained in juvenile hall pending placement in a suitable group home.

On August 24, 2018, minor was released from juvenile hall and placed in a suitable group home.

On December 7, 2018, the group home administrator submitted a seven-day notice to remove minor from the home due to minor's maladaptive social interactions with peers and staff, constant bullying and intimidation of other residents, and being involved in four different physical alterations.

On December 11, 2018, the probation officer conducted a placement visit at minor's group home and arrested minor.

On December 13, 2018, the San Bernardino County District Attorney filed a juvenile probation violation petition alleging minor violated the terms of her probation by failing to obey the rules and regulations of the placement.

While in juvenile hall, minor's behavior was poor and defiant.

On December 31, 2018, minor admitted to violating the terms and conditions of her probation. The San Bernardino County Juvenile Court continued minor as a ward of the court. The court also continued minor on probation on various terms and conditions, and placed minor in the custody of the probation department. Minor was detained in juvenile hall pending placement in a suitable group home.

By March 2019, minor continued to be detained in juvenile hall because the probation department had not successfully located a suitable group home that would accept minor immediately. In addition, minor's behavior in juvenile hall continued to be poor. She failed to earn behavior dollars due to failing to follow staff directives, poor peer interactions, arguing with staff, cussing, poor attitude with nursing staff, and being involved in Code Red incidents.

On March 21, 2019, minor filed a notice of special hearing, requesting her release.

On March 26, 2019, the juvenile court held the special hearing. At that time, the court heard argument from minor's counsel and the prosecutor. The court also heard a statement from the probation department's placement coordinator. Minor's counsel asked the court to release minor from juvenile hall due to the length of time minor had been waiting for placement in a group home. The prosecutor argued that the delay in placing minor in a group home was reasonable because there were no available options and that releasing minor would not be safe for her. The prosecutor was concerned that minor may be a victim of human trafficking. Minor's behavior in juvenile hall might have also been delaying the placement.

The placement coordinator explained the following: On January 4, 2019, the probation department referred minor to three group homes pursuant to its practice to make three referrals at a time. All three group homes rejected minor. On February 12, 2019, the probation department re-referred minor to the same three previous group homes and provided additional information for them to reconsider minor. The probation department also referred minor to a fourth group home.

On February 28, 2019, one of those group homes, Girls Republic, accepted minor. However, it advised the probation officer that it was full and would not have an opening for minor until April or May 2019. The other two group homes again rejected minor, and the fourth group home believed minor was not a good match for its program. The probation department continued to attempt to place minor in a group home that would

accept her and had immediate openings. But minor kept getting rejected from other group homes because she was sabotaging her interviews. The placement coordinator noted that the delay in placing minor in a group home was “by her own accord because she has sabotaged interviews.” At the time of the special hearing, minor remained in juvenile hall and had been in custody for 106 days. The placement coordinator noted that she had a problem with the length of time minor had been in custody and wanted to get minor placed. Minor remained first on the waiting list at Girls Republic.

The court found the delay in placing minor in a suitable group home reasonable and denied minor’s request for release. The court continued minor detained in juvenile hall pending a suitable placement in a group home.

On March 27, 2019, minor filed a timely notice of appeal from the juvenile court’s order at the special hearing.

On April 23, 2019, the juvenile court held a non-appearance review hearing. The court was advised that minor had been accepted into the Girls Republic group home. The court continued minor as a ward of the court and ordered her transferred to Girls Republic on April 24, 2019.

III

DISCUSSION

After minor appealed, upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a

summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered minor an opportunity to file a personal supplemental brief, and she has not done so.

An appellate court conducts a review of the entire record to determine whether the record reveals any issues which, if resolved favorably to defendant, here, minor, would result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442; *People v. Feggans* (1967) 67 Cal.2d 444, 447-448; *Anders v. California, supra*, 386 U.S. at p. 744; see *People v. Johnson* (1981) 123 Cal.App.3d 106, 109-112.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to minor.

IV

DISPOSITION

The judgment is affirmed.

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CODRINGTON
J.

We concur:

MILLER
Acting P. J.

SLOUGH
J.